

DRAFT PROFFERS**8921 Properties, LLC****RZ 2012-MV-004****October 1, 2012**

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, 8921 Properties, LLC (hereinafter referred to as the "Applicant"), for itself, successors and assigns in RZ 2012-MV-004, filed for property identified as Tax Map 108-1 ((1)) 10 (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property from the R-1 District to the I-4 District. These proffers shall replace and supersede all previous proffers, if any, approved on the Application Property.

1. GENERALIZED DEVELOPMENT PLAN

- a. Subject to the provisions of 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the generalized development plan ("GDP") consisting of four (4) sheets, prepared by Smith Engineering dated January 17, 2012 and revised through September 28, 2012.
- b. Subject to the provisions of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to modify the layout shown on the GDP at time of site plan based on final engineering and design.

2. USES

- a. As shown on the GDP, permitted uses shall include contractor's offices and shops.
- b. Any equipment, tools, parts, and/or associated materials or debris shall be stored within an enclosed structure.

3. TRANSPORTATION

- a. Right-of-Way Reservation. At time of site plan approval, minor site plan approval, or grading plan approval, whichever occurs first, the Applicant shall reserve up to sixty-eight (68) feet from centerline of Telegraph Road for purposes of future right-of-way dedication. Such dedication shall occur upon demand by the Board of Supervisors and/or the Virginia Department of Transportation (VDOT) but not until there is a funded design for a Telegraph Road widening project adjacent to the Application Property.

At time of right-of-way dedication, the Applicant shall have the option, in its sole discretion, to relocate the existing structure on the Application Plan in substantial conformance with the GDP.

- b. Density Credit. Density credit is reserved consistent with Section 2-308 of the Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT pursuant to the Public Facilities Manual (PFM), at or prior to time of site plan approval.
- c. Interparcel Access. At time of site plan approval, minor site plan approval, or grading plan approval, whichever occurs first, the Applicant shall establish interparcel access between Fairfax County tax map reference 108-1 ((1)) 8C ("Parcel 8C") and the Application Property. Roadway access via Parcel 8C shall be provided pursuant to Proffer 1(h) of RZ 1999-MV-049. Upon demonstration by the Applicant that despite diligent efforts, or due to factors beyond the Applicant's control, the required improvement has been or will be delayed beyond the time set forth in these proffers, the Zoning Administrator may agree to a later date for completion of such improvement. Upon establishment of such interparcel connection, the existing entrance to the Application Property shall be closed. The Applicant shall have the ability to obtain a Non-Residential Use Permit (Non-RUP) provided that construction of the interparcel access is being diligently pursued as may be approved by the Zoning Administrator.

4. LANDSCAPING

- a. The Applicant shall provide landscaping as generally shown on the GDP. Such landscaping shall be installed no later than twelve (12) months from the date of approval of this rezoning.
- b. Should the Applicant relocate the existing structure shown on the Application Property, the Applicant shall take the necessary steps and actions to ensure the long-term survival and continuing structural integrity and health of the existing forty (40) foot White Oak tree on the south side of the Application Property as shown on the GDP. At time of final engineering associated with the house relocation, the Applicant shall work with Urban Forest Management Division to determine the appropriate methods, if any, necessary to preserve the tree. Such methods may include, but not be limited to, a low-level retaining wall of approximately two (2) feet.

5. SUCCESSIONS AND ASSIGNS

These proffers shall bind and inure to the benefit of the Applicant and its successors and assigns.

[SIGNATURE BEGINS ON THE FOLLOWING PAGE]

APPLICANT/TITLE OWNER OF
TAX MAP 108-1 ((1)) 10

8921 PROPERTIES, LLC

By: Michael T. Bouchery
Its: Manager

[SIGNATURE ENDS]